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BEST AVAILABLE COPY**REMARKS**

Claims 1 - 48 are pending in the present Application. Claims 12, 38 and 48 have been amended leaving Claims 1 - 48 for consideration upon entry of the present Amendment. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Amended Claims

Claims 12, 38 and 48 have been amended to include the variables X and Y. These amendments were made to better define the invention and not made to overcome any of the cited references. Support for these amendments can be found in Claim 1 as originally filed.

In addition, Claim 48 has been amended by the elimination of hydrogen from R21 and by the elimination of "an aliphatic functionality comprising at least about 4 carbon atom" from R20. This amendment was made to better define the invention.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1, 12, 22, 38 and 48 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office Action dated 11/17/2004, page 2)

In particular, the Examiner states "[i]n claims 12, 38 and 48, the values of variables X and Y are not defined." (Office Action dated 11/17/2004, page 2)

Claims 12, 38 and 48 have now been amended with the inclusion of X and Y, thereby rendering this rejection moot.

The Examiner also states that in Claims 1, 12, 22, 38 and 48, the values of variables a, b, c, X, Y, o, p, q, R20, R21, R22 and R23 defined as "about" are indefinite. (Office Action dated 11/17/2004, page 2)

Applicants respectfully disagree. The term about is often used in claims to prevent another practitioner from literally "pirating" another's invention by avoiding the literal claim language. It is intended to allow a patentee to encompass "insubstantial changes" from a claimed invention within the scope of the patent.

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In this regard, the courts have held that "a limitation defining the stretch rate of a plastic as "exceeding about 10% per second" is definite because infringement could clearly be assessed through the use of a stopwatch." *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). The term 'about' has therefore been permitted by the courts where minor variations from the literal language of the claims can be easily ascertained. The Applicants believe that as determined in *Gore*, such variations from the literal language of the presently claimed invention can be measured using standard analytical techniques. Applicants therefore respectfully request withdrawal of the §112, second paragraph rejection and allowance of the claims.

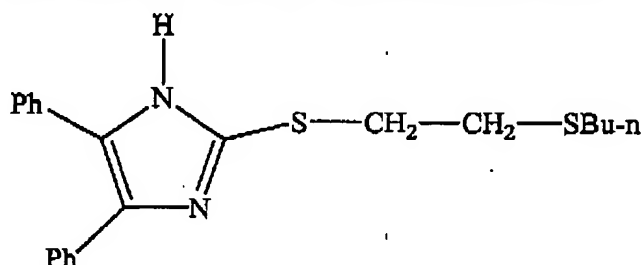
Applicants would also like to submit to the Examiner that he has already examined other applications related to this family of patent applications, and has permitted these applications to pass to allowance despite the use of the term "about". One such application is 10/627,445, which was allowed by this Examiner on 11/04/2004. Applicants once again respectfully request withdrawal of the §112, second paragraph rejection and allowance of the claims.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 48 stands rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by RN 61996-88-1 and 61997-03-3 disclosed by Skvortsova. (Office Action dated 11/17/2004, page 2) Applicants respectfully traverse this rejection.

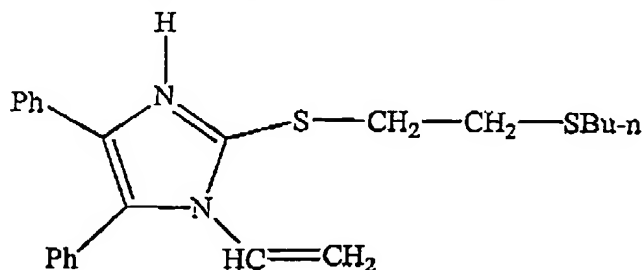
To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Variet Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987).

RN 61996-88-1 discloses the following structure:



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RN 61997-03-3 discloses the following structure:



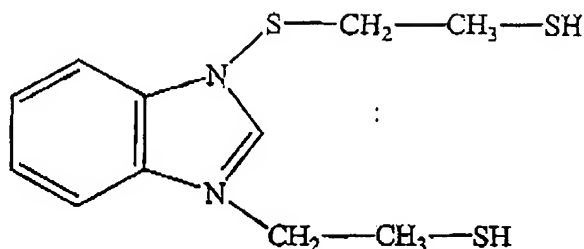
Claim 48 has been currently amended by the removal of the limitation of "an aliphatic functionality comprising at least about 4 carbon atom" from R20, thereby rendering this rejection moot. Claim 48 has also been currently amended by the removal of the limitation of "hydrogen" from R21, thereby rendering this rejection moot. Since RN 61996-88-1 requires R20 to be an aliphatic compound and since RN 61997-03-3 requires R21 to be hydrogen, the structures of RN 61996-88-1 and RN 61997-03-3 cannot anticipate the presently amended Claim 48. Applicants therefore respectfully request a withdrawal of the § 102(b) rejection over RN 61996-88-1 and RN 61997-03-3 to Skvortsova.

Claim 48 also stands rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by RN 66523-48-5 and 66523-49-7 disclosed by Skvortsova. (Office Action dated 11/17/2004, page 3) Applicants respectfully traverse this rejection as well.

In the first instance, the document cited by the Examiner, Skvortsova (Tez. Doki Nauc. Sess, 1976) did not contain reference no. 66523-48-5. Applicants also launched a search using Chemical Abstracts, but were not able to locate any structure related to this particular reference number. Applicants respectfully request a clarification from the Examiner regarding this matter.

RN 66523-49-7 is not infringed since R21 in the structure of Claim 48 does not claim a thiol terminated aliphatic functionality as required by RN 66523-49-7. RN 66523-49-7 has the following structure:

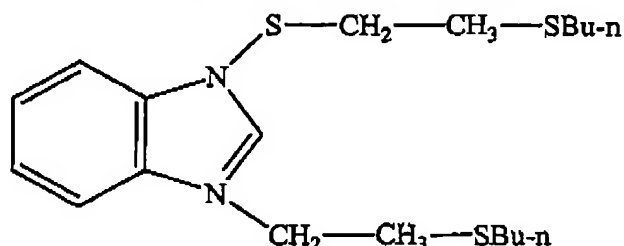
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On the other hand, R21 in the presently claimed Claim 48 can be one member selected from the group consisting of a hydrogen, an aliphatic carbonyl functionality comprising about 1 to about 11 carbon atoms, an aliphatic functionality comprising between about 1 and about 11 carbon atoms, an aromatic carbonyl functionality comprising at least about 7 carbon atoms, and an aromatic functionality comprising at least about 6 carbon atoms. R21 does not claim a thiol terminated aliphatic functionality as required by RN 66523-49-7. For this reason at least, RN 66523-49-7 does not teach all elements of Claim 48. Applicants therefore respectfully request a withdrawal of the § 102(b) rejection over RN 66523-49-7 to Skvortsova.

Claim 48 also stands rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by RN 58536-64-4 disclosed by Abramova. (Office Action dated 11/17/2004, page 3) Applicants respectfully traverse this rejection as well.

Abramova teaches the following structure:

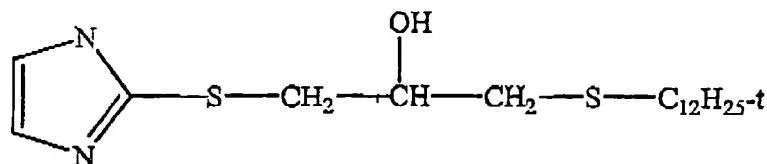


The structure disclosed by Abramova, requires R21 to have a thioether terminated aliphatic functionality. As may be noted above, R21 does not directed to and does not claim a thioether terminated aliphatic functionality. For this reason at least Abramova does not teach all elements of Claim 48. Applicants respectfully request a withdrawal of the § 102(b) rejection over RN 58536-64-4 to Abramova and an allowance of the claims.

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Claim 48 also stands rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by U.S. Patent No. 5,618,778 to Wirth. (Office Action dated 11/17/2004, page 3)

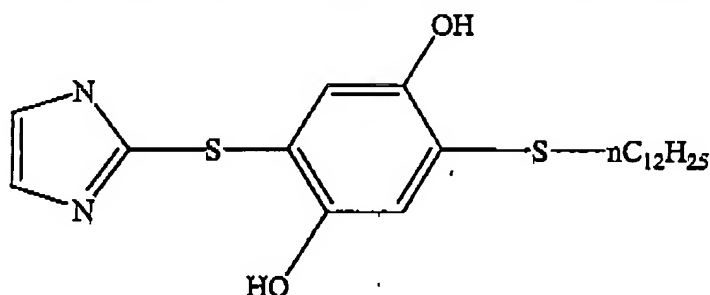
Wirth teaches the following structure:



Claim 48 as presently amended does not require R20 to be an aliphatic functionality comprising at least about 4 carbon atoms. Since the structure in Wirth requires an aliphatic having 12 carbon atoms, it cannot anticipate Claim 48. Applicants respectfully request a withdrawal of the § 102(b) rejection over Wirth and an allowance of the claims.

Claim 48 also stands rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by JP 2-108039 to Hirano. (Office Action dated 11/17/2004, page 3)

Hirano teaches the following structure in 1-6 on page 358



Claim 48 as presently amended does not require R20 to be an aliphatic functionality comprising at least about 4 carbon atoms. Since the structure in Hirano requires an aliphatic having 12 carbon atoms, it cannot anticipate Claim 48. Applicants respectfully request a withdrawal of the § 102(b) rejection over Hirano and an allowance of the claims.

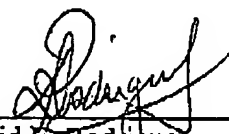
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It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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